

00-2-013



921 / 1742

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dorfman et al.

Serial No. 09/804,876

Art Unit: 1742

Filed: 3/13/01

Examiner: N. Mai

For: Mo-Cu Composite Powder

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

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SEP 17 2004  
TC 1700

### CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on

September 2, 2004  
Robert F. Clark  
Robert F. Clark Reg. No. 33,853

### PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Your petitioners hereby petition the Commissioner of Patents and Trademarks to invoke his supervisory authority in the subject matter application to withdraw the holding of abandonment mailed August 24, 2004.

The Commissioner is hereby authorized to charge **Deposit Account No. 15-0685** for any fees required by the filing of this petition.

The facts are as follows:

1. A Notice of Abandonment was mailed to the Petitioners on August 24, 2004 wherein the instant application was abandoned for failure to reply to an Office Action mailed December 30, 2003.

In accordance with the procedure set forth in Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (Nov. 16, 1993), the undersigned makes the following statements:

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i) That as far as it may be determined the Office Action mailed on December 30, 2003 was never received by the Petitioners' attorney nor the office at the correspondence address of record in this case.

ii) That searches of the file jacket of the instant application and the docketing records where the Office Action would have been recorded indicate that the Office Action was never received.

iii) That a copy of the petitioners' attorney's personal docket for March 2004 is attached as Exhibit A.

(iv) That if the Office Action had been received, an action item under the attorney's docket number, 00-2-013, would have been entered in the personal docket on the appropriate March 30, 2004 due date and, as can be seen, that no such entry was made.

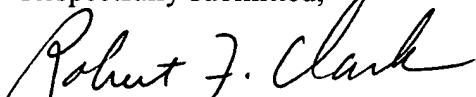
v) That a copy of the electronic docket for this application in which the Office Action would have been recorded is attached as Exhibit B and that electronic docket shows that there were no actions having a mailing date (Base Date) of December 30, 2003 for the instant application.

vi) That further copies from the electronic docket for all applications having a mailing date (Base Date) between December 30, 2003 and January 5, 2004 are attached as Exhibit C and that these documents also show that there were no actions entered for the instant application during this period.

Wherefore, your petitioners pray:

1. That the petitioners have made a sufficient showing according to 1156 OG 53 to establish that the Office Action was not received.
2. That the holding of abandonment be withdrawn.
3. That the Commissioner take any other actions deemed necessary.

Respectfully submitted,



Robert F. Clark  
Reg. No. 33,853

OSRAM SYLVANIA Inc.  
100 Endicott St.  
Danvers, MA 01923

## EXHIBIT A

10  
08 07 2004  
30/03/04

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

MARCH 2004

7	8	9	10	11	12	13
				104-22-2004 03-1-577 1/DS response	104-22-2004 03-1-577 1/DS response	104-22-2004 03-1-577 1/DS response
14	15	16	17	18	19	20
		03-1-577 1/DS	St. Patrick's Day		03-1-577 1/DS	03-1-577 1/DS
21	22	23	24	25	26	27
28	29	30	31		2004-03-27-2004 03-2-305 1/DS	2004-03-27-2004 03-2-305 1/DS

JULY 2004						
S	M	T	W	T	F	S
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE 2004						
S	M	T	W	T	F	S
			1	2	3	4
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

MARCH 2004						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL 2004						
S	M	T	W	T	F	S
			1	2	3	4
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

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## EXHIBIT B

CaseNumber	SubCase	Country	CountryName	CaseType	ApplicationStatus	ActionType	BaseDate	ResponseDate
00-2-013	IP	US	United States of America	ORD	Pending	Application Status Check	13-Mar-2001	
00-2-013	IP	US	United States of America	ORD	Pending	Foreign Filing	13-Mar-2001	
00-2-013	IP	US	United States of America	ORD	Pending	Information Disclosure Stmt	13-Mar-2001	
00-2-013	IP	US	United States of America	ORD	Pending	Substantive Examination	13-Mar-2001	
00-2-013	IP	US	United States of America	ORD	Pending	US-3 Month Office Action	08-Jul-2002	
00-2-013	IP	US	United States of America	ORD	Pending	US-3 Month Office Action	02-Jan-2003	
00-2-013	IP	US	United States of America	ORD	Pending	US-Missing Parts	26-Apr-2001	16-May-2001

**EXHIBIT C (1 of 2)**

CaseNumber	SubCase	Country	CountryName	CaseType	ApplicationStatus	ActionType	BaseDate	ResponseDate	Userid	DateCreated	LastUpdate		
00P18871	US	United States of America	PCT	Published	US-3 Month Office Action	30-Dec-2003	29-Mar-2004	basti	06-Jan-2004	30-Mar-2004	ActionDue 1 Month to Due Date US-3 Month Office Action 3 Month Due Date 1st Extension 2nd Extension 2 Weeks to Final Date 6 Month Final US-3 Month Offi Follow Up Date 29-Sep-2004	DueDate 29-Feb-2004 Reminder 29-Mar-2004 Reminder 29-Mar-2004 Due Date 29-Mar-2004 Reminder 29-Mar-2004 Reminder 29-Mar-2004 Due Date 29-Mar-2004 Final 29-Mar-2004 Due Date	Indicator DateTaken Reminder 31-Mar-2004 Reminder 31-Mar-2004 Due Date 31-Mar-2004 Reminder 31-Mar-2004 Reminder 31-Mar-2004 Reminder 31-Mar-2004 Due Date 31-Mar-2004 Final 31-Mar-2004 Due Date
00P18981	US	United States of America	ORD	Published	US-3 Month Office Action	30-Dec-2003	31-Mar-2004	basti	06-Jan-2004	06-Apr-2004	ActionDue 1 Month to Due Date US-3 Month Office Action 3 Month Due Date 1st Extension 2nd Extension 2 Weeks to Final Date 6 Month Final US-3 Month Offi Follow Up Date 30-Sep-2004	DueDate 29-Feb-2004 Reminder 31-Mar-2004 Reminder 31-Mar-2004 Due Date 29-Mar-2004 Reminder 31-Mar-2004 Reminder 31-Mar-2004 Due Date 31-Mar-2004 Final 31-Mar-2004 Due Date	Indicator DateTaken Reminder 31-Mar-2004 Reminder 31-Mar-2004 Due Date 29-Mar-2004 Reminder 31-Mar-2004 Reminder 31-Mar-2004 Due Date 31-Mar-2004 Final 31-Mar-2004 Due Date
00P19078	US	United States of America	PCT	Published	US-3 Month Office Action	02-Jan-2004	29-Apr-2004	basti	06-Jan-2004	30-Apr-2004	ActionDue 1 Month to Due Date US-3 Month Office Action 3 Month Due Date 1st Extension 2nd Extension 2 Weeks to Final Date 6 Month Final US-3 Month Offi Follow Up Date 30-Sep-2004	DueDate 02-Mar-2004 Reminder 29-Apr-2004 Reminder 29-Apr-2004 Due Date 29-Apr-2004 Reminder 29-Apr-2004 Reminder 29-Apr-2004 Due Date 29-Apr-2004 Final 29-Apr-2004 Due Date	Indicator DateTaken Reminder 29-Apr-2004 Reminder 29-Apr-2004 Due Date 29-Mar-2004 Reminder 29-Apr-2004 Reminder 29-Apr-2004 Due Date 29-Apr-2004 Final 29-Apr-2004 Due Date
01-1-447	US	United States of America	ORD	Granted	US-3 Month Office Action	31-Dec-2003	10-Mar-2004	basti	06-Jan-2004	11-Mar-2004	ActionDue 1 Month to Due Date US-3 Month Office Action 3 Month Due Date 1st Extension 2nd Extension 2 Weeks to Final Date 6 Month Final US-3 Month Offi Follow Up Date 29-Oct-2004	DueDate 29-Feb-2004 Reminder 10-Mar-2004 Reminder 10-Mar-2004 Due Date 10-Mar-2004 Reminder 10-Mar-2004 Reminder 10-Mar-2004 Due Date 10-Mar-2004 Final 10-Mar-2004 Due Date	Indicator DateTaken Reminder 10-Mar-2004 Reminder 10-Mar-2004 Due Date 10-Mar-2004 Reminder 10-Mar-2004 Reminder 10-Mar-2004 Due Date 10-Mar-2004 Final 10-Mar-2004 Due Date
01P13704	US	United States of America	ORD	Granted	US-Allowance	31-Dec-2003	06-Jan-2004	basti	06-Jan-2004	06-Jan-2004	ActionDue Fee Due in 2 Months! US-Allowance Issue Fee Due US-Allowance Follow Up Date 10-Sep-2004	DueDate 31-Jan-2004 Reminder 06-Jan-2004 Reminder 06-Jan-2004 Final 06-Jan-2004 Due Date	Indicator DateTaken Reminder 06-Jan-2004 Reminder 06-Jan-2004 Reminder 06-Jan-2004 Final 06-Jan-2004 Due Date
01P17620	US	United States of America	ORD	Granted	US-Allowance	31-Dec-2003	07-Jan-2004	basti	06-Jan-2004	07-Jan-2004	ActionDue Fee Due in 2 Months! Fee Due in 1 Month US-Allowance Issue Fee Due US-Allowance Follow Up Date 06-Jul-2004	DueDate 31-Jan-2004 Reminder 07-Jan-2004 Reminder 07-Jan-2004 Reminder 07-Jan-2004 Final 07-Jan-2004 Due Date	Indicator DateTaken Reminder 07-Jan-2004 Reminder 07-Jan-2004 Reminder 07-Jan-2004 Final 07-Jan-2004 Due Date
01P17620	US	United States of America	ORD	Granted	US-Allowability	31-Dec-2003	07-Jan-2004	basti	06-Jan-2004	08-Jan-2004	ActionDue US-Allowability Follow Up Date US-Allowability US-Allowability Follow Up Date 31-Jan-2004	DueDate 07-Jan-2004 Due Date 07-Jan-2004 Due Date 07-Jan-2004	Indicator DateTaken Reminder 07-Jan-2004 Reminder 07-Jan-2004 Reminder 07-Jan-2004 Final 07-Jan-2004 Due Date
01P21881	US	United States of America	PRI	Granted	US-Allowance	30-Dec-2003	07-Jan-2004	basti	06-Jan-2004	06-Jan-2004	ActionDue Fee Due in 2 Months! Fee Due in 1 Month US-Allowance Issue Fee Due US-Allowance Follow Up Date 07-Jul-2004	DueDate 30-Jan-2004 Reminder 07-Jan-2004 Reminder 07-Jan-2004 Reminder 07-Jan-2004 Final 07-Jan-2004 Due Date	Indicator DateTaken Reminder 01-Apr-2004 Reminder 01-Apr-2004 Reminder 01-Apr-2004 Final 01-Apr-2004 Due Date
02-1-820	US	United States of America	PRI	Granted	US-3 Month Office Action	30-Dec-2003	01-Apr-2004	basti	06-Jan-2004	06-Apr-2004	ActionDue 1 Month to Due Date 29-Feb-2004	DueDate 29-Feb-2004	Indicator DateTaken Reminder 01-Apr-2004

EXHIBIT C (2 of 2)

US	United States of America	PRI	Granted	Tax 11.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue	Tax 11.5	30-Jun-2015	Indicator Date Taken	Due Date	
US	United States of America	PRI	Granted	Tax 3.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue	Tax 3.5	30-Jun-2007	Indicator Date Taken	Due Date	
US	United States of America	PRI	Granted	Tax 7.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue	Tax 7.5	30-Jun-2011	Indicator Date Taken	Due Date	
US	United States of America	PRI	Pending	US-3 Month Office Action	30-Dec-2003	15-Mar-2004	basti	06-Jan-2004	19-Mar-2004	ActionDue	1 Month to Due Date	29-Feb-2004	Reminder Date Taken	Due Date
										US-3 Month Office Action	3 Month Due Date	29-Feb-2004	Reminder Date Taken	Due Date
										1st Extension	15-Mar-2004	Reminder Date Taken	Due Date	
										2nd Extension	15-Mar-2004	Reminder Date Taken	Due Date	
										6 Month Final	15-Mar-2004	Final	Due Date	
US	United States of America	PRI	Granted	US-Allowance	05-Jan-2004	08-Jan-2004	basti	08-Jan-2004	08-Jan-2004	ActionDue	Fee Due in 2 Months!	05-Feb-2004	Reminder Date Taken	Due Date
										Fee Due in 1 Month	05-Mar-2004	Reminder Date Taken	Due Date	
										US-Allowance	30-Apr-2004	Reminder Date Taken	Due Date	
										Issue Fee Due	30-May-2004	Reminder Date Taken	Due Date	
										US-Allowance Follow Up Date	15-Jun-2004	Final	Due Date	
US	United States of America	ORD	Lapsed	US-3 Month Office Action	31-Dec-2003	basti	06-Jan-2004	06-Jan-2004	ActionDue	1 Month to Due Date	29-Feb-2004	Reminder Date Taken	Due Date	
										US-3 Month Office Action	3 Month Due Date	29-Feb-2004	Reminder Date Taken	Due Date
										1st Extension	31-Mar-2004	Reminder Date Taken	Due Date	
										2nd Extension	30-Apr-2004	Reminder Date Taken	Due Date	
										6 Month Final	31-May-2004	Reminder Date Taken	Due Date	
											15-Jun-2004	Final	Due Date	
											30-Jun-2004	Final	Due Date	
US	United States of America	ORD	Granted	Tax 11.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue	Tax 11.5	30-Jun-2015	Indicator Date Taken	Due Date	
US	United States of America	ORD	Granted	Tax 3.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue	Tax 3.5	30-Jun-2007	Indicator Date Taken	Due Date	
US	United States of America	ORD	Granted	Tax 7.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue	Tax 7.5	30-Jun-2011	Indicator Date Taken	Due Date	
IP	US	United States of America	ORD	Abandoned	US-3 Month Office Action	05-Jan-2004	basti	06-Jan-2004	06-Jan-2004	ActionDue	1 Month to Due Date	05-Mar-2004	Reminder Date Taken	Due Date
										US-3 Month Office Action	3 Month Due Date	05-Apr-2004	Reminder Date Taken	Due Date
										1st Extension	05-May-2004	Reminder Date Taken	Due Date	
										2nd Extension	05-Jun-2004	Reminder Date Taken	Due Date	
										6 Month Final	20-Jun-2004	Final	Due Date	
US	United States of America	PCT	Granted	Tax 11.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue	Tax 11.5	30-Jun-2015	Indicator Date Taken	Due Date	
US	United States of America	PCT	Granted	Tax 3.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue	Tax 3.5	30-Jun-2007	Indicator Date Taken	Due Date	
US	United States of America	PCT	Granted	Tax 7.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue	Tax 7.5	30-Jun-2011	Indicator Date Taken	Due Date	